



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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November 9, 2006

To: Mayor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe

From: David E. Janssen  
Chief Administrative Officer

**MOTION TO ADOPT A RESOLUTION TO MAKE THE PROVISIONS OF AB 2366 OPERATIVE IN LOS ANGELES COUNTY TO ALLOW PUBLIC SAFETY EMPLOYEES REQUIRED TO RETIRE BECAUSE OF AGE TO BE REEMPLOYED BY THE COUNTY (ITEM NO. 2, AGENDA OF NOVEMBER 14, 2006, CONTINUED FROM OCTOBER 17, 2006)**

Item No. 2 on the November 14, 2006 Agenda is a motion by Supervisor Antonovich to adopt a resolution to make Section 31680.8 of the Government Code, added by AB 2366 (Runner), Chapter 120 of the statutes of 2006, operative in Los Angeles County; and to request the Sheriff, and any other affected County Department, to report back to the Board of Supervisors on the policy and procedures for implementation of this section in two weeks. The motion also calls for consideration of Supervisor Yaroslavsky's request that the Sheriff report back to the Board as to whether they are in favor of implementing this action.

Under current law, the Board of Supervisors does not have the authority to waive the requirement that public safety employees hired prior to March 31, 1997 must retire at age 60. Upon adoption of a resolution by the Board of Supervisors, AB 2366 allows public safety employees who were required to retire because of age to be reemployed by the County and reinstated into active membership in the retirement system. The employee must file an application with the Board of Retirement for reinstatement and the Board of Retirement, based on medical advice, must determine that the member is not incapacitated for the duties of the assigned position. AB 2366 was recently signed by the Governor and becomes effective on January 1, 2007. Although most departments which have public safety employees could possibly be affected by

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AB 2366, it should be noted that AB 2863 (Karnette), which was signed into law after the enactment of AB 2366, limits the application of AB 2366 by removing firefighters and lifeguards.

According to the Sheriff's office, there are approximately 29 employees approaching the age of 60 to which AB 2366 may apply. Sheriff's staff indicate that AB 2366 was sponsored by the Sheriff in order to help address the need to hire approximately 1,000 deputies in Los Angeles County. Allowing those deputies who are turning 60 to remain employed by the County would help accomplish the goal of full staffing. Many deputies who are approaching 60 years of age have special abilities or training in subject areas such as arson, explosives, or homicide, which are beneficial to the Department and would otherwise be lost to retirement. Sheriff's staff also note that for safety employees hired after March 31, 1997, there is no age 60 mandatory retirement age and adoption of this resolution will provide for equity for all safety employees in the Department regardless of employment date.

The Sheriff's staff indicate that discussions with the Commission on Peace Officer Standards and Training (POST) and the Los Angeles County Employees Retirement Association (LACERA), have made it apparent that implementation of this provision would be impractical because of the length of time required to process the reinstatement of staff. For example, an employee seeking reinstatement would have to comply with POST requirements including a physical exam, physical agility test, and background investigation. Since current LACERA rules preclude applying for reinstatement in advance of retirement, Sheriff's staff estimate that it would take a minimum of two months to process a reinstatement, and may take considerably longer. In contrast, a 120 day retiree can return to work immediately. Consequently, the Sheriff is considering possible legislative approaches to eliminate the mandatory age 60 retirement provision for law enforcement personnel hired prior to March 31, 1997.

DEJ:GK  
MAL:MS:hg

c: Executive Officer, Board of Supervisors  
County Counsel  
Sheriff